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APRIL 5, 2001

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
APRIL 5, 2001**

Meeting was called to order at 6:13 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Gloria F. Katz (6:20)
Commissioner Carlton B. Moore (6:20)
Commissioner Cindi Hutchinson
Commissioner Tim Smith
Mayor Jim Naugle

Absent: None

Also Present:	Assistant City Manager	Bud Bentley
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	L. Abrams

Invocation was offered by *Pastor Louis Abel*, Trinity Lutheran Church.

Pledge of Allegiance to the Flag.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that the agenda and minutes of the meeting as shown below be approved:

March 15, 2001 and March 20, 2001

Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: none.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Presentations (OB)

1. Expressions of Sympathy

Mayor Naugle offered Expressions of the Sympathy, on behalf of the City Commission, to the families of *Dr. Bill Evans, Mr. Norman Kaye, Ms. Ethel Hill, Ms. Carol Sells Tiballi and Mr. Steve Ruebottom.*

2. External Defibrillator

Mayor Naugle introduced *Dr. Ali Ghahramani*, who donated an external defibrillator to the City to help save lives at City Hall in an emergency. He noted that 300,000 people died every year due to cardiac arrest, but many of those lives could be saved if the victims were reached within the first few minutes of a heart attack. Mayor Naugle noted that the security guards at City Hall would be offered training in the use of the external defibrillator, and he expressed appreciation for this generous donation.

3. Commendation – Sounds of Young Fort Lauderdale

Commissioner Smith read aloud and presented a commendation to *Ms. Gina Gregoletto* with respect to her efforts toward “Sounds of Young Fort Lauderdale.” He explained that the City had wanted to find appropriate activities for young people who were not allowed to drink but still wanted to enjoy the type of music they preferred, and Ms. Gregoletto had helped start a wholesome music venue for the younger citizens of Fort Lauderdale. She said that this had been a great opportunity for her, as a parent, to help her son and his friends enjoy their music.

Ms. Gregoletto stated that the Sounds of Young Fort Lauderdale was a non-profit organization under the auspices of the Greater Fort Lauderdale Chamber of Commerce, which had been spearheaded by parents, musicians, students, business owners, and concerned citizens to continue to promote the music scene in Fort Lauderdale. She thanked various individuals who had been so helpful, including the owner of the Culture Room, which hoped to promote a show each month with the help of the community. Ms. Gregoletto described two events that had been held already and outlined plans for some upcoming musical events.

At 6:20 P.M., Commissioners Katz and Moore arrived at the meeting.

4. Smoke Detector Test

Commissioner Katz demonstrated the proper method of testing the batteries in a smoke detector and encouraged everyone at home to do the same.

5. “Fort Lauderdale High School Women’s Basketball State Championship Day”

Commissioner Moore read aloud and presented a proclamation declaring April 5, 2001 as “Fort Lauderdale High School Women’s Basketball State Championship Day” in the City of Fort Lauderdale. *Head Coach Kaola King* accepted the proclamation on behalf of Fort Lauderdale High School and members of her team were recognized with an ovation. Commissioner Moore encouraged everyone present to help send the team on a well-deserved trip to Busch Gardens, and \$500 was collected to fund the trip.

6. Outstanding City Employees of the Month

The Assistant City Manager introduced Department Directors to present the Outstanding City Employees of the Month:

- Detectives Estelle Abrams and Cheryl Donisi, Detention Officers Tommy Gaines and Laurenia Bergin, of the Police Department;
- Althea “Dawn” Johnson, of the Finance Department

- Firefighter-Paramedics Kenneth J. Gurdak and Robert E. Soto, and Larry Richie, of the Fire-Rescue Department;
- Christine McCrady, of the Parks & Recreation Department;
- Robert Rice, of the Public Services Department; and
- Cheryl Pingitore, of the Community and Economic Development Department.

Water Restrictions (OB)

Mayor Naugle stated that despite recent rainfall, the City still faced severe drought conditions and asked everyone to “turn it off.” He advised that modified Phase II water restrictions were still in effect and limited lawn watering and car washing to 2 days per week. Mayor Naugle also provided tips for lawn care during the water shortage. It was also announced that the City achieved a 15% to 17% water reduction, so there was a long way to go.

Consent Agenda (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require detailed review or discussion. Items will be enacted by one motion; if discussion is desired by any Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Florida Beach Volleyball Tour (M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **USA Volleyball** to indemnify, protect, and hold harmless the City from any liability in connection with the **Florida Beach Volleyball Tour** to be held on the following **Saturdays and Sundays, April 7-8, June 23-24, and September 1-2, 2001 from 9:00 a.m. to 6:00 p.m.** at South Beach.

Recommend: Motion to approve.

Exhibit: Memo No. 01-465 from City Manager.

Event Agreement – Walk America (M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **March of Dimes Birth Defects Foundation** to indemnify, protect, and hold harmless the City from any liability in connection with **Walk America** to be held **Saturday, April 21, 2001 from 7:00 a.m. to 3:00 p.m.**; and further authorizing the closing of the following walk route from 8:30 a.m. to 10:30 a.m.: beginning in Birch State Park and crossing Sunrise Boulevard to the eastbound lanes, proceeding east in both eastbound lanes of Sunrise Boulevard to Sunrise Lane; south to N.E. 9 Street; east to State Road A-1-A; south in the westernmost southbound lane to East Las Olas Boulevard; east in the westbound lanes to northbound State Road A-1-A; north in the easternmost northbound lane to the Tunnel entrance and back into the park.

Recommend: Motion to approve.

Exhibit: Memo No. 01-461 from City Manager.

Event Agreement – WIBC Team Building on the Beach..... (M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Greater Fort Lauderdale Convention and Visitors Bureau** to indemnify, protect, and hold harmless the City from any liability in connection with **WIBC Team Building on the Beach** to be held **Friday, April 20, 2001 from 2:00 p.m. to 5:00 p.m.** at South Beach.

Recommend: Motion to approve.

Exhibit: Memo No. 01-462 from City Manager.

Event Agreement – WIBC Delegates Party (M-4)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Greater Fort Lauderdale Convention and Visitors Bureau** to indemnify, protect, and hold harmless the City from any liability in connection with the **WIBC Delegates Party** to be held **Sunday, April 22, 2001 from 6:00 p.m. to 9:00 p.m.** at Las Olas Riverfront; and further authorizing the closing of Brickell Avenue (Las Olas Riverfront Circle) from S.W. 2 Street to South Andrews Avenue from 6:00 a.m. to 12:00 midnight.

Recommend: Motion to approve.

Exhibit: Memo No. 01-463 from City Manager.

Event Agreement – District Youth Junior Olympics (M-5)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Saint Demetrios Greek Orthodox Church** to indemnify, protect, and hold harmless the City from any liability in connection with the **District Youth Junior Olympics** to be held **Saturday, April 28, 2001 from 7:00 a.m. to 6:00 p.m. and Sunday, April 29, 2001 from 12:00 noon to 6:00 p.m.** at Holiday Park.

Recommend: Motion to approve.

Exhibit: Memo No. 01-464 from City Manager.

Event Agreement – Have a Grateful Day For The Earth (M-6)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **P.R.C. Productions, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection **Have a Grateful Day For The Earth** to be held **Sunday, April 22, 2001 from 12:00 noon to 8:00 p.m.** at Snyder Park.

Recommend: Motion to approve.

Exhibit: Memo No. 01-460 from City Manager.

**Request for Size Variance –
Family Companion Mausoleum – Evergreen Cemetery (M-7)**

A motion authorizing the City's cemetery contractor, Carriage Services, to grant a request for a size variance for a family companion mausoleum at Evergreen Cemetery.

Recommend: Motion to approve.

Exhibit: Memo No. 01-440 from City Manager.

**Task Order – Evans Environmental & Geosciences
(EE&G) – Community Outreach Activities – Brownfields Grant (M-8)**

A motion authorizing the proper City officials to execute a task order with EE&G to provide community outreach activities associated with the Brownfields grant.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-475 from City Manager.

**Amendment to Agreement – Loucks Engineering -
Project Redesign of the Las Olas Isles NCIP Entranceway Columns (M-9)**

A motion authorizing the proper City officials to execute an amendment to the agreement with Loucks Engineering in the amount of \$2,130 for project redesign of the Las Olas Isles NCIP entranceway columns.

Funds See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-378 from City Manager.

Transfer of General Fund**Contingencies (Carryover) – Purchase of Cash Receipting Equipment (M-10)**

A motion authorizing the transfer of \$14,500 from General Fund Contingencies (carryover) to the Finance Department in order to purchase cash receipting equipment.

Funds: Transfer \$14,500 from General Fund Contingencies (carryover) as follows: \$7,550 to FIN040201/6401 and \$6,950 to FIN040201/3925

Recommend: Motion to approve.

Exhibit: Memo No. 01-356 from City Manager.

Contract Award –**LEADDEX Corporation – Project 15200C – Holiday Park Playground (M-11)**

A motion authorizing the proper City officials to execute an agreement with LEADDEX Corporation in the amount of \$268,349.80 for the construction of a playground at Holiday Park.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-316 from City Manager.

Amendment to Agreement – Flynn Engineering**Services, P.A. – Project 15200E – Holiday Park Phase II (M-12)**

A motion authorizing the proper City officials to execute an amendment to the agreement with Flynn Engineering Services, P.A. in an amount not to exceed \$23,500 to complete the design of a roller hockey facility at Holiday Park.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-318 from City Manager.

Agreements – Crown Liquor and Gumberg Asset Management Corporation –**Use of Property for Operation of the Community Bus Shuttle Program (M-13)**

A motion authorizing the proper City officials to execute agreements with Crown Liquor and Gumberg Asset Management Corporation for use of its properties as destinations for the Community Bus Shuttle Program.

Recommend: Motion to approve.

Exhibit: Memo No. 01-425 from City Manager.

Task Order No. 5 – Westin Engineering – Project 0260 – Construction and Configuration Services – Process Control Upgrades – Phases I and II(M-14)

A motion authorizing the proper City officials to execute Task Order No. 5 with Westin Engineering in the amount of \$1,199,403 to provide construction and configuration services for water and wastewater process control upgrades.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-477 from City Manager.

Contract Award – ABB Automation, Inc. – Project 10163 – Process Control Upgrades (M-15)

A motion authorizing the proper City officials to execute an agreement with ABB Automation, Inc. in the amount of \$4,526,427 to install process control upgrades at the G. T. Lohmeyer and Fiveash Treatment Plants and wastewater pump stations.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-476 from City Manager.

Utility Easement - Castillo Grand LLC – Construction of Saint Regis Hotel (M-16)

A motion authorizing the proper City officials to approve a utility easement to Castillo Grand LLC to facilitate the construction of the Saint Regis Hotel. (Also see Item R-7 on this Agenda)

Recommend: Motion to approve.

Exhibit: Memo No. 01-322 from City Manager.

Authorization to Negotiate with Top-Ranked Firm – Seawood Builders, Inc. - Design-Build Services for Executive Airport Administration and Multi-Purpose Building (M-17)

A motion authorizing the proper City officials to negotiate a contract with Seawood Builders, Inc. for design-build services for the Executive Airport Administration and Multi-Purpose Building.

Recommend: Motion to approve.

Exhibit: Memo No. 01-321 from City Manager.

Task Order – Keith and Schnars –**Civil Engineering Services for Woodlawn Cemetery (M-18)**

A motion authorizing the proper City officials to execute a task order with Keith and Schnars in an amount not to exceed \$19,689 for civil engineering services for Woodlawn Cemetery.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-483 from City Manager.

Contract Award – V.I.P. Painting, Inc. -**Project 10334 – Bridge Painting in Seven Isles and Riviera Isle (M-19)**

A motion authorizing the proper City officials to execute an agreement with V.I.P. Painting in the amount of \$12,785 for the painting of nine bridges in the Seven Isles and Riviera Isle areas.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-317 from City Manager.

Change Order No. 3 –**Rovel Construction, Inc. – Project 15310 – Beach Community Center (M-20)**

A motion authorizing the proper City officials to execute Change Order No. 3 with Rovel Construction, Inc. in the amount of \$57,959.23 for the Beach Community Center.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 01-319 from City Manager.

PURCHASING AGENDA

Bid 312-8464 – Two Parking Enforcement Vehicles (Pur-1)

An agreement to purchase two parking enforcement vehicles is being presented for approval by the Administrative Services, Fleet Services.

Low Responsible Bidder: South Florida Gas & Electric Vehicles, Inc.
Pompano Beach, FL

Amount: \$38,309.80

Bids Solicited/Rec'd: N/A

Exhibits: Memorandum No. 01-283 from City Manager

The Purchasing Division recommends award from the lowest responsive and responsible bidder.

Proprietary Purchase – Update to Purchasing Vendor Database (Pur-2)

An agreement to purchase services to update the purchasing vendor database is being presented for approval by the Administrative Services, Purchasing Division.

Low Responsible Bidder: Dun & Bradstreet
Austin, TX
Amount: \$ 17,500.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-448 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

Bid 212-8448 – Two year Contract for Demolition Services (Pur-3)

A two-year contract for demolition services is being presented for approval by the CED/Community Inspections Division.

Low Responsible Bidders: Miami Wrecking Co. (primary)
Pompano Beach, FL
Cross Environmental Services (secondary)
Crystal Springs, FL
Amount: Per Unit Pricing
Bids Solicited/Rec'd: 61/4 with 1 no bid
Exhibits: Memorandum No. 01-437 from City Manager

The Purchasing Division recommends award from the lowest responsive and responsible bidders.

Bid 212-8452 – Contract to provide Shuttle Services (Pur-4)

A contract to provide shuttle services for Galt and Lauderdale Manors communities is being presented for approval by the City Manager's Office.

Low Responsible Bidders: Downtown Fort Lauderdale Transportation
Management Corp.
Fort Lauderdale, FL
Amount: \$ 84,000.00 (estimated annual total)
Bids Solicited/Rec'd: 23/1 with 1 no bid
Exhibits: Memorandum No. 01-397 from City Manager

The Purchasing Division recommends award of the contract with a transfer of \$42,000 from General Fund Contingency to Operating Subsidies (GEN040201-4204).

Bid 771-7709 – Increase expenditure and re-bid for liquid propane (Pur-5)

An agreement to increase contract expenditure and a re-bid for liquid propane gas is being presented for approval by the Parks and Recreation Department.

Low Responsible Bidders: Columbia Propane
Pompano Beach, FL
Amount: \$ 20,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-379 from City Manager

The Purchasing Division reviewed this item and agrees with the recommendation to increase expenditure and re-bid.

Bid 712-8417 – Cancellation of generator rental contract (Pur-6)

Cancellation of the generator rental contract is being presented for approval by the Parks and Recreation Department.

Low Responsible Bidders: NationsRent USA, Inc.
Davie, FL
Amount: N/A
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-433 from City Manager

The Purchasing Division reviewed this item and agrees with the recommendation to cancel the contract.

Proprietary Purchase – Steering Wheel Locking Devices (Pur-7)

An agreement to purchase steering wheel locking devices is being presented for approval by the Police Department.

Low Responsible Bidder: Winner International
Sharon, PA
Amount: \$49,489.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-442 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

Proprietary Purchase – ‘Live Scan’ Booking System (Pur-8)

An agreement to purchase a “Live Scan” booking system is being presented for approval by the Police Department.

Low Responsible Bidder: Printrak International, Inc.
Anaheim, CA
Amount: \$251,000.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-221 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

State – Protective Ballistic Vests (Pur-9)

An agreement to purchase protective ballistic vests is being presented for approval by the Police Department.

Low Responsible Bidder: Various State Contract Vendors
Amount: \$184,000.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-439 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the purchase from Florida State Contract.

Proprietary Purchase – 22 Pump Assemblies (Pur-10)

An agreement to purchase 22 pump assemblies for ten wastewater pump stations is being presented for approval by the Public Services Department.

Low Responsible Bidder: Sanders Company, Inc.
Stuart, FL
Amount: \$191,025.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-414 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

Broward County – Asphalt and Sand Concrete Products (Pur-11)

A one-year contract to provide asphalt and sand concrete products is being presented for approval by the Public Services Department.

Low Responsible Bidders: Community Asphalt, Hialeah, FL
East Coast Asphalt, Fort Lauderdale, FL
Hardrives, Inc., Delray Beach, FL
Weekly Asphalt Paving, Weston, FL
Amount: \$101,663.00 (estimated)
Bids Solicited/Rec'd: 46/8 with 1 no bid
Exhibits: Memorandum No. 01-399 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to award to multiple vendors from the Broward County Contract.

Proprietary Purchase –Rebuild Clarifier No. 11 (Pur-12)

An agreement to purchase engineering services, labor and materials to rebuild Clarifier No. 11 is being presented for approval by the Public Services Department.

Low Responsible Bidder: Baker Process Baker Hughes
Salt Lake City, UT
Amount: \$273,755.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-396 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

Bid 612-8444 – Contract for the disposal of construction debris (Pur-13)

A two-year price agreement for the disposal of construction debris is being presented for approval by the Public Services Department.

Low Responsible Bidders: Associated Auto Salvage, Inc.
Fort Lauderdale, FL
Amount: Per Unit Pricing
Bids Solicited/Rec'd: 73/4
Exhibits: Memorandum No. 01-286 from City Manager

The Purchasing Division recommends award from the lowest responsive and responsible bidder.

Bid 612-8446 – Two-year contract for Hydrofluosilicic Acid (Pur-14)

A two-year contract for Hydrofluosilicic Acid (fluoride) is being presented for approval by the Public Services Department.

Low Responsible Bidders: Allied Universal Corp.
Miami, FL
Amount: \$37,698.00 (estimated)
Bids Solicited/Rec'd: 11/4 with 1 no bid
Exhibits: Memorandum No. 01-418 from City Manager

The Purchasing Division recommends award from the lowest responsive and responsible bidder.

Co-Op Bid 2001-033 – Polyvinyl Chloride (PVC) Pipe and Fittings (Pur-15)

A one-year contract for polyvinyl chloride (PVC) pipe and fittings is being presented for approval by the Public Services Department.

Low Responsible Bidders: Lehman Pipe & Plumbing Supply, Inc. (WBE)
Miami, FL
Amount: \$28,650.00 (estimated)
Bids Solicited/Rec'd: 72/5 with 13 no bids
Exhibits: Memorandum No. 01-400 from City Manager

The Purchasing Division recommends award from the lowest responsive and responsible bidder.

RFP 412-8450 – Two-Year Contract for Janitorial Services (Pur-16)

A two-year contract for Janitorial Services is being presented for approval by the Parks and Recreation Department.

Low Responsible Bidders: Bright Maintenance, Inc. (WBE)
Boca Raton, FL
Amount: \$59,384.00 (estimated annual total)
Bids Solicited/Rec'd: 41/9 with 1 no bid
Exhibits: Memorandum No. 01-466 from City Manager

The Purchasing Division recommends award to the highest ranked proposer.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-7, M-8, M-17, M-18, and M-20 be removed from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Request for Size Variance – Family Companion Mausoleum –
Evergreen Cemetery (M-7)**

Commissioner Moore said he had pulled this item because he did not care to support it. Mayor Naugle agreed the City should stay with the originally approved size.

Mr. Mitch Rose, of Carriage Services, urged the City Commission to approve this request. He explained that private mausoleums were very personal and considered a prestigious memorial. Mr. Rose advised that when the original size had been approved, it had been considered in the context of standard designs. In this case, the memorial would be longer because steps and a planting area were proposed. Mr. Rose felt these issues should be considered on a case-by-case basis under Section 17 at Evergreen Cemetery and noted there was a family feature in this case.

Motion made by Commissioner Hutchinson to approve Consent Agenda Item No. M-7 as recommended. Motion died for lack of a second.

**Task Order – Evans Environmental & Geosciences (EE&G) –
Community Outreach Activities – Brownfields Grant (M-8)**

Commissioner Moore asked which component of this team would be handling the community outreach. Mr. Chris Wren, Office of Community and Comprehensive Planning, replied that Cheryl Dickey & Associates would be handling that component.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-8 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Authorization to Negotiate with Top-Ranked Firm –
Seawood Builders, Inc. – Design-Build Services for
Executive Airport Administration and Multi-Purpose Building (M-17)**

Commissioner Katz asked that staff request Seawood Builders, Inc. to consider the exterior of the building and consider a “signature” feature. Mayor Naugle asked if projects completed by this firm had been considered and come within budget. Mr. Mike Fayyaz, Public Services Department, replied that references had been closely checked, and the proposal was within the budget.

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item No. M-17 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Task Order – Keith and Schnars – Civil
Engineering Services for Woodlawn Cemetery (M-18)**

Commissioner Moore inquired about the time line for this project. Mr. Horace McHugh, Assistant to the City Manager, stated that this item would allow the engineer to prepare the drawings for this specific project. Commissioner Moore was concerned that this was taking so long.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-18 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Change Order No. 3 – Rovel Construction, Inc. –
Project 15310 – Beach Community Center (M-20)**

Commissioner Katz found it disconcerting that the consultants had made this mistake on the mechanical drawings and that it had resulted in such a large cost to the City. She wondered if the engineer would be barred from doing further work for the City and how staff would ensure that the firm paid this additional cost. Mr. Pete Sheridan, Engineering Division, stated that staff would seek to recover this cost, by legal means if necessary. Insofar as future work, the City always considered past work when future contracts were contemplated. Commissioner Katz requested a follow-up report in 6 months as to the collection of these monies.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-20 be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

Community Area Planning (CAP) Report – Central Area (M-21)

A motion was presented accepting the Community Area Planning Report and the goals identified in the Central Area.

Mr. Chris Wren, Office of Community and Comprehensive Planning, explained the Commission had authorized staff to move ahead with the CAP initiative in February, 1999, and he provided some background about this community-based planning effort stemming from the City's Vision Statement. He advised that the Central Area was bounded by Broward Boulevard, Federal Highway, the Middle River, and the western corporate boundary, which represented about a fifth of the City of Fort Lauderdale.

Mr. Wren described the four goals of the CAP initiative. He stated that staff was seeking the Commission's acceptance of the Central Area CAP report this evening as a policy document, and it was seeking direction on the funding and implementation of the goals contained in the report. Mr. Wren stated that the Commission had appointed a 25-member citizen leadership committee to work closely with staff throughout the process, and many of those members were present to assist this evening.

Ms. P. J. Espinal provided an overview of the citizen leadership committee, which had suggested a vision for the central area based on input from the community and the assistance of staff. She believed the community was anxious to enter into a partnership with the City to accomplish the vision of a diverse community working, living and playing together in the heart of Fort Lauderdale.

Mr. Lou Orosz provided an overview of the process that had been followed to arrive at the vision. Although he had been initially skeptical, his doubts had been assuaged by a very effective and organized effort. He stated that the CAP process was predicated on focused City leadership and intensive communications, and he was happy to report that a successful plan had been developed.

Ms. Jennie Brooks described the public participation process in the central area CAP. She stated that the plan being submitted for Commission approval represented a thorough picture of the community's vision for Area 1 and a prescription for funding much-needed improvements.

Mr. Wren presented a slide program concerning the goals of the CAP and the implementation strategies proposed. He recognized those members of the citizen leadership committee, as well as the various City departments that had participated in the process, which had involved numerous meetings and workshops. Mr. Wren noted that the GIS system had been utilized to compile the data that had been collected and provide a model of what could be accomplished.

Mr. Wren outlined the goals of the Central Area CAP:

- Improved police presence at a cost of \$1 million to \$2.7 million;
- Drainage improvements at a cost of \$4.1 million;
- Sanitary sewers at a cost of \$2.8 million
- Improved lighting at a cost of \$2.7 million
- Street improvements at a cost of \$4.4 million;
- Clean-up of vacant lots and unsafe buildings at a cost of \$1.1 million;
- Attracting new business at a cost of \$55,000;
- Improved landscaping in medians;
- Home and business retention at a cost of \$9 million;
- Additional trees;
- Installation of swales;
- Traffic calming features or speed humps;
- Improved parks facilities at a cost of \$5.8 million;
- Establishment of Creole services at a cost of \$300,000;
- Creation of a cultural center at a cost of \$515,000; and
- Provision of higher density housing in Flagler Heights.

He noted that many of the goals did not require any new funding but could be accomplished within existing budgets, and financing options had been provided to the Commission. Mr. Wren felt the outlined goals were all very important, but he recommended that at least the top 5 goals be seriously considered and implemented if costs were too great. He stated that the top 5 goals would cost \$9.1 million in capital expenditures and \$1.32 million in operational costs.

At 7:33 P.M., Commissioner Smith left the meeting.

Mr. Wren stated that similar scenarios in all 5 areas of the City would involve operational costs of \$6.6 million or about \$69.30 per average household in additional property taxes. He advised that capital costs for just the top 5 goals in the Central Area, with the exception of sewers, would cost \$9.1 million or about \$7.79 per average household. If the capital costs were the same in all 5 areas of the City, Mr. Wren estimated the cost per average household at \$38.93 per year.

Mr. Wren noted that an infrastructure sales tax had been outlined in the proposal, but he wished to focus on a special assessment process in which Central Area residents would pay a portion or all the costs themselves. In that case, the capital costs would amount to about \$88.68 per average household each year for about 5 years. Mr. Wren pointed out that a grant writer could be retained at a cost of about \$50,000 per year, and it was estimated that approximately \$250,000 in grants could be generated each year.

Mr. Wren said that due to other recent Commission actions, the amount needed to accomplish all goals was \$31 million. He stated that these improvements really related to basic infrastructure needs to provide a basic standard of living in the central area. Mr. Wren also noted that sidewalks were desired in the central area and requested direction on the financing strategy.

Ms. Bunney Brenneman asked that the Commission validate the 17 goals established during the Central Area CAP process. She believed it was vital to the City, its image and its future to implement these acutely needed infrastructure and safety goals in the central area at this time.

At 7:35 P.M., Commissioner Smith returned to the meeting.

Mr. Doug Blevins said he lived in the South Middle River neighborhood, and he had moved there 15 months ago. He had purchased his home in this neighborhood because it was affordable, culturally diverse, and because it characterized old Florida style homes. Nevertheless, he had been aware there were a lot of challenges, and his home had been condemned at one time. However, participating in this process had been a wonderful community exercise.

Mr. Blevins distributed photographs of the area surrounding his home and pointed out various infrastructure needs. He noted that educational programs for non-English speaking neighbors was being started, and he believed the Central Area CAP would make everyone proud of this neighborhood and the City as a whole. Mr. Blevins pointed out that this area needed various improvements, and he asked for the Commission's support and help in achieving the outlined goals.

Ms. Marsha Goldsby, Lauderdale Manors Homeowners' Association, stated that the Association's meeting had been brought here tonight to lend support for the Central Area CAP. She said the top 5 goals were everything Lauderdale Manors residents had been seeking for many years.

Ms. Linda Gibboney, member of the citizen leadership committee, said the first lesson she had learned in the City Leadership College was that the people ran this City. She expected the Commission's support of the Central Area CAP because this was the way it should be, and an excellent plan had been developed that should be followed through.

Mr. Claude Louissaint said he was present to support the 17 priorities established through the Central Area CAP process. He believed each of those priorities was of particular interest to different aspects of the community, but they brought back faith in government collectively. Mr. Louissaint asked the Commission to join him in recognizing the efforts of all those who had participated in the process with an ovation. He noted that priorities 15 and 16 were particularly reflective of the growing diversity of Fort Lauderdale.

Ms. P. J. Espinal, of the South Middle River Civic Association, stated that the central area was not asking for something for nothing but to be brought up to normal standards in terms of sewers, streets, and other infrastructure needs. She pointed out that the neighborhood was old, and these improvements were necessary for the safety and well being of the community. Ms. Espinal felt this initiative would benefit everyone in Fort Lauderdale, and the community would be glad to help find grants and other funding sources in partnership with the City.

Mr. Bob Webster, 1436 Northwest 2nd Avenue, felt the Central Area CAP would provide a minimum standard of living for the neighborhood. He thought this area had been neglected for many years, but now there was a plan that could make more than a difference. Mr. Webster also believed that the cost of doing nothing would likely be 5 times that of following through with this plan.

Ms. Bunney Brenneman, Chair of the 13th Street Area Business Association, wished to take this opportunity to thank the Commission for the improvements to the 13th Street area. She introduced the members of the Association's executive committee, who had been meeting every week to formulate a partnership to address economic development and create an even better atmosphere through the CAP initiative.

Ms. Evelyn Lewis, representing the Dorsey Riverbend area and the northwest corridor, said she had been skeptical in the past. However, the CAP process had allowed ample opportunity for public participation and input. She was appreciative of the hard work that had been done, and she hoped the Commission would not allow the result of all that hard work to just "sit on the shelf." Ms. Lewis encouraged the Commission to support the CAP initiative.

Commissioner Smith was very impressed with the work done by so many members of the community. He agreed the plan should not be left on the shelf, and he thought the goals that did not require additional funding should be moved ahead immediately. Commissioner Smith believed that some of the goals might be appropriately funded by other government agencies, such as the School Board, and some could be eligible for grant funding, which would have to be explored.

Commissioner Smith pointed out that there were thousands of details in the report, and he wanted an opportunity to study them all in greater depth. Mayor Naugle hoped the Commission could endorse the report this evening, based on the fact that over 750 people had spent more than 10,000 hours in the effort. Then, the details could be reviewed in more depth during the budget workshop. Mayor Naugle believed an 11% tax increase had been mentioned, which was a great concern to those on fixed incomes, so he was not prepared to make that kind of a commitment at this time. He pointed out that the budget workshop would give the Commission an opportunity to examine the financial position of the City overall.

Commissioner Smith was concerned about the risk of “shelving” this report because it was too important, and it made too much sense to shelve it. However, he was not prepared to vote on a tax increase at this time. Commissioner Smith pointed out that the other 4 areas would probably have very similar needs, and the Commission might want to consider a referendum for a general obligation bond, for example, for all 5 areas. Mayor Naugle concurred. He, too, was very impressed with the results of this very democratic process.

Commissioner Moore thanked the citizens who had been involved in this process for over a year, as well as staff for an excellent job. He was concerned, however, because whenever it was time to put money on the table, there was “back pedaling.” That was the reason why he had not wanted to be the first CAP to be considered. In this case, there were 17 goals the citizens felt were essential to the quality of life, but it would have a budget impact.

Commissioner Moore was sure everyone would agree the City should move forward on the items that would not have additional funding impact. However, the “heartache” would start when it came time to fund the top 5 items. Commissioner Moore asked Mr. Wren for additional details about funding by assessment. Mr. Wren explained that property owners in Area 1 would be assessed through some formula. For example, if the \$9.1 million capital cost was funded through assessment completely, it would cost the typical lot owner \$88.68 per year for 5 years. However, there would still be operating needs that would have to be funded with ad valorem tax dollars. Commissioner Moore wondered how many people in the audience would find the idea of assessment objectionable. Two individuals raised their hands.

Commissioner Smith believed that if the people who lived in the subject area wanted certain amenities and were willing to pay for them, this Commission would vote unanimously to support such an effort. He wondered how much it would cost to fund all 17 items through special assessment. Mr. Wren stated that there were a lot of potential variables, so he did not have that information at this time. However, 40% of the cost for all 17 items would result in an average assessment of \$655.50, with 60% covered by a Citywide bond referendum at a cost of \$72 per average home.

Commissioner Smith wanted to know how much it would cost to fund all 17 items by special assessment. Mayor Naugle believed that information could be provided at a workshop meeting. Commissioner Smith wanted it now.

Commissioner Katz felt the CAP initiative was a marvelous idea, and this group had done a great job that would serve as a model for the other 4 areas over the next few years. However, she felt it was necessary discuss the impacts and financing scenarios. Commissioner Katz said that even if area property owners were willing to be assessed to implement the first 5 items, there would still be operational costs to address.

Commissioner Hutchinson commended everyone on a great job, and her area was next, so she was anxious to see how this would be funded. Commissioner Moore understood the community was willing to pay for the first 5 items. However, he was concerned that more affluent areas would also agree to assess themselves for improvements and receive attention from staff before the Area 1 CAP initiative was implemented. Commissioner Moore wanted to move forward on the first 5 items now. Mayor Naugle did not have any objection, but there had to be a legal mechanism for making an assessment. He believed that would be easy for capital expenditures, but it would be more difficult as far as operational costs were concerned.

Mr. Wren reported that a 5-year assessment on a typical lot would cost \$731 for the capital costs for all 17 items, and it would be \$360 per year over 10 years. He stated that there would then be \$17.9 million in operational costs. Commissioner Smith asked if a 15-year assessment would be possible. Commissioner Moore believed a 20-year or even 30-year term was possible, and there were a lot of options. Commissioner Katz noted that a workshop would be necessary to address the operational costs.

Motion made by Commissioner Smith and seconded by Commissioner Moore to explore special assessment procedures for all 17 priorities with varying assessment terms and schedule a workshop to address the \$17.9 million operating costs; further, to accept the CAP Report and the goals identified in the Central Area. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

At 8:27 P.M., the meeting was recessed. It was reconvened at 8:35 P.M. Commissioner Moore returned at 8:38 P.M.

Development Order (DO) – Coastal Fuels, Inc. – Coastal Fuels

Marketing, Inc. - Development of Regional Impact (DRI) (PZ Case No. 28-R-01) (PH-1)

At the Planning and Zoning regular meeting of March 21, 2001, it was recommended by a vote of 6 to 2 that the following application be approved. Notice of the public hearing was published on February 2 and March 13, 2001.

Applicant:	Coastal Fuels Marketing, Inc.
Request:	Approve DO for Coastal Fuels, Inc. DRI
Location:	A 52-acre site, generally located along the north side of Spangler Boulevard, west of Eisenhower Boulevard, and south of SE 22 Street; and a 13-acre parcel located between SE 22 Street and SE 20 Street.

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-01-13

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING A DEVELOPMENT ORDER FOR THE COASTAL FUELS DRI AT PORT EVERGLADES DEVELOPMENT OF REGIONAL IMPACT, WHICH CONSISTS OF APPROXIMATELY 52 ACRES LOCATED GENERALLY NORTH OF SPANGLER BOULEVARD, WEST OF EISENHOWER BOULEVARD AND SOUTH OF SOUTHEAST 20TH STREET, WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF FORT LAUDERDALE; PROVIDING FOR THE EXPANSION OF EXISTING PETROLEUM STORAGE FACILITIES AS SET FORTH IN THE APPLICATION FOR DEVELOPMENT APPROVAL; PROVIDING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR DEVELOPMENT IDENTIFICATION; PROVIDING CONDITIONS AND OBLIGATIONS RELATING TO DEVELOPMENT OF THE COASTAL FUELS DRI AT PORT EVERGLADES; PROVIDING FOR A MASTER PLAN; PROVIDING FOR DESIGNATION OF A RESPONSIBLE CITY OFFICIAL; PROVIDING FOR RECORDATION; PROVIDING FOR COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Central Beach and Barrier Island Zoning District (PZ Case No. 18-R-99)(O-1)

At the Planning and Zoning regular meeting of November 15, 2000, it was recommended (as noted in Memorandum No. 01-290) that the following application be approved. Ordinance No. C-01-10 was published on January 30, 2001. On February 6, 2001, the City Commission deferred first reading to March 20, 2001 by a vote of 5 to 0, and on March 20, 2001, first reading was approved by a vote of 4 to 1 (Moore).

Applicant: City of Fort Lauderdale
Request: Amend ULDR Sections 47-12, and other sections applicable to Central Beach and Barrier Island provisions.

Commissioner Smith referred to the SLA. He had tried to interject an additional regulation at the last meeting relating to transferring the 80' height restriction into 9th Street and Sunrise Lane. He understood that could not be done at the time because it had not been advertised, but he wondered if it had been included since that time. Mr. Chris Wren, Office of Community and Comprehensive Planning, stated that would be scheduled for the April 17, 2001 Commission meeting for discussion. As of that date, if the Commission accepted it, it would become a new zoning in progress. Commissioner Smith understood this issue, the FAR, and the numerical studies would be considered on April 17, 2001. Mr. Wren agreed that was correct.

Commissioner Hutchinson said she had been opposed to this because of condition No. 6 at the last meeting. Mayor Naugle agreed and said he would support a motion to include the 200' limitation on length and width.

Commissioner Hutchinson said she had been out on the beach this morning, and she felt something had to be done about construction site guidelines. She had observed a mess in which a road had been closed, and it had been a nightmare. Commissioner Smith believed there had been approval to close Alhambra Place. Commissioner Hutchinson advised that Mr. Kisela had told her otherwise. She felt this was a nightmare for the people living in the area, and whatever guidelines were in place were not working.

Mr. Greg Kisela, Assistant City Manager, reported that inspectors had been sent out this morning to open Alhambra Place, but it had already been reopened by the time they arrived. He advised that staff was investigating, and a report would be provided.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to consider Condition No. 6 separately. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith introduced the following ordinance on second reading, excepting Condition No. 6:

ORDINANCE NO. C-01-10

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-12.3, DEFINITIONS, TO REVISE THE DEFINITION OF HIGH RISE STRUCTURE; AMENDING SECTION 47-12.5, DISTRICT REQUIREMENTS AND LIMITATIONS, TO DELETE MARINA AS A CONDITIONAL USE IN THE IOA ZONING DISTRICT; TO DELETE EXCEPTION TO BEACH SHADOW REQUIREMENTS IN A PRD ZONING DISTRICT; TO REVISE THE WIDTH AND LENGTH REQUIREMENTS IN PRD AND ABA ZONING DISTRICTS; TO DELETE THE MINIMUM FLOOR AREA RATIO IN ABA ZONING DISTRICT; TO REVISE THE YARD REQUIREMENTS FOR DEVELOPMENT ON SUNRISE BOULEVARD IN SLA AND TO PERMIT TRANSFER OF DENSITY FROM IOA TO NBRA; TO AMEND DEVELOPMENT REVIEW REQUIREMENTS AND PROCEDURES FOR THE CENTRAL BEACH AREA DISTRICTS AND DELETE PROCEDURES NO LONGER APPLICABLE; AMENDING SECTIONS 47-6.20, 47-18.21 AND 47-21.10 TO LIMIT MAXIMUM DENSITY AND REQUIRE SIDEWALKS AND SHADE TREES FOR MIXED USE DEVELOPMENT EAST OF THE INTRACOASTAL WATERWAY, AND AMENDING SECTION 47-25.3, NEIGHBORHOOD COMPATIBILITY REQUIREMENTS, TO APPLY DESIGN GUIDELINES TO ALL NONRESIDENTIAL DEVELOPMENT LYING EAST OF THE INTRACOASTAL WATERWAY.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith felt there should be flexibility in the PRD district and thought buildings should be allowed to exceed 200' under certain circumstances.

Motion made by Commissioner Smith and seconded by Commissioner Moore to amend the ordinance to allow buildings to exceed the 200' limitation. Roll call showed: YEAS: Commissioners Moore, Katz, and Smith. NAYS: Commissioner Hutchinson and Mayor Naugle.

Commissioner Moore introduced the following ordinance on second reading, as amended to include Condition No. 6:

ORDINANCE NO. C-01-10

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-12.3, DEFINITIONS, TO REVISE THE DEFINITION OF HIGH RISE STRUCTURE; AMENDING SECTION 47-12.5, DISTRICT REQUIREMENTS AND LIMITATIONS, TO DELETE MARINA AS A CONDITIONAL USE IN THE IOA ZONING DISTRICT; TO DELETE EXCEPTION TO BEACH SHADOW REQUIREMENTS IN A PRD ZONING DISTRICT; TO REVISE THE WIDTH AND LENGTH REQUIREMENTS IN PRD AND ABA ZONING DISTRICTS; TO DELETE THE MINIMUM FLOOR AREA RATIO IN ABA ZONING DISTRICT; TO REVISE THE YARD REQUIREMENTS FOR DEVELOPMENT ON SUNRISE BOULEVARD IN SLA AND TO PERMIT TRANSFER OF DENSITY FROM IOA TO NBRA; TO AMEND DEVELOPMENT REVIEW REQUIREMENTS AND PROCEDURES FOR THE CENTRAL BEACH AREA DISTRICTS AND DELETE PROCEDURES NO LONGER APPLICABLE; AMENDING SECTIONS 47-6.20, 47-18.21 AND 47-21.10 TO LIMIT MAXIMUM DENSITY AND REQUIRE SIDEWALKS AND SHADE TREES FOR MIXED USE DEVELOPMENT EAST OF THE INTRACOASTAL WATERWAY, AND AMENDING SECTION 47-25.3, NEIGHBORHOOD COMPATIBILITY REQUIREMENTS, TO APPLY DESIGN GUIDELINES TO ALL NONRESIDENTIAL DEVELOPMENT LYING EAST OF THE INTRACOASTAL WATERWAY.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Katz, and Smith. NAYS: Commissioner Hutchinson and Mayor Naugle.

Amendment to the Pay Plan – Schedules I and II (O-2)

An ordinance was presented amending the Pay Plan of the City, providing for modifications in the schedules of pay ranges for supervisory, professional, managerial and confidential employees; amending Code Section 20-67(a)(2) providing for an increase in longevity pay rates for certain employee categories; amending Schedule I of the Pay Plan modifying the retiree health benefit formula for fire managers and supervisors, for police managers and supervisors, for non-bargaining unit supervisory, professional and managerial employees and for non-bargaining unit confidential employees; amending Schedule I of the Pay Plan adjusting allowance benefits for certain categories of employees, and modifying the pay ranges for Battalion Chief and Division Chief within the Fire-Rescue Department. Ordinance No. C-01-11 was published on March 5, 2001, and presented for first reading on March 15, 2001. On March 15, 2001, first reading was deferred to March 20, 2001 by a vote of 5 to 0. On March 20, 2001, first reading was approved by a vote of 4 to 1 (Naugle).

Mayor Naugle hoped this \$432,000 expense could be discussed at the budget workshop. He preferred to put this off until after that workshop. Commissioner Moore had discussed this with staff, and he understood the individuals affected by this ordinance were not members of a bargaining unit. He thought it was in the City's best interests to move forward.

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-01-11

AN ORDINANCE AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA PROVIDING FOR MODIFICATIONS IN THE SCHEDULES OF PAY RANGES FOR SUPERVISORY, PROFESSIONAL MANAGERIAL AND CONFIDENTIAL EMPLOYEES; AMENDING CODE SECTION 20-67(a)(2) PROVIDING FOR AN INCREASE IN LONGEVITY PAY RATES FOR CERTAIN EMPLOYEE CATEGORIES; AMENDING SCHEDULE I OF THE PAY PLAN MODIFYING THE RETIREE HEALTH BENEFIT FORMULA FOR FIRE MANAGERS AND SUPERVISORS, FOR POLICE MANAGERS AND SUPERVISORS, FOR NON-BARGAINING UNIT SUPERVISORY, PROFESSIONAL AND MANAGERIAL EMPLOYEES AND FOR NON-BARGAINING UNIT CONFIDENTIAL EMPLOYEES; AMENDING SCHEDULE I OF THE PAY PLAN ADJUSTING ALLOWANCE BENEFITS FOR CERTAIN CATEGORIES OF EMPLOYEES; AND MODIFYING THE PAY RANGES FOR BATTALION CHIEF AND DIVISION CHIEF WITHIN THE FIRE DEPARTMENT.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Smith. NAYS: Mayor Naugle.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve the transfer of funds as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Smith. NAYS: Mayor Naugle.

Amend Chapter 8 -

Boats, Docks, Beaches and Waterways – Waterski Areas (O-3)

An ordinance was presented amending Chapter 8 of the Code of Ordinances entitled, "Boats, Docks, Beaches and Waterways," by amending Section 8-1, "Definitions," amending Section 8-166, "Establishing Idle Speed No Wake Zones and Slow Speed Minimum Wake Zones; Establishing Watersports Activities Areas," and amending Section 8-167, "Expanding Waterski Prohibited Areas." Ordinance No. C-01-12 was published on March 10, 2001, and passed on first reading on March 20, 2001 by a vote of 3 to 2 (Naugle and Moore).

Commissioner Smith believed there had been some miscommunication about what could occur this evening. He wanted to make sure everyone understood the issue. Commissioner Smith explained that the issue had been flexibly advertised, and the Commission did not have to adopt the same ordinance on second reading. He stated that the Commission wanted to figure out what was appropriate in terms of water sports in the City. Commissioner Smith said a decision could be made to close down the Middle River or it could be kept open. In addition, other areas could be reopened, such as Lake Sylvia, Sunset Lake, Sunset Bay, the C-14 Canal, Lake Mayan, the old ski beach, Mills Pond Park, etc. Therefore, there were a number of possibilities, and the issue was not solely confined to the Middle River.

Commissioner Smith understood a web site had also indicated that this issue was the result of a few disgruntled, wealthy homeowners. However, 2 petitions had been received. One was on the "do not ban" side and contained 290 signatures, and the other was on the "either ban or open other waters" side and contained 220 signatures. Therefore, there were a lot of people supporting both sides of this issue.

Commissioner Katz stated that after receiving many communications, she thought it might be a good idea to put some other things on the table now. She suggested that the ordinance be amended on second reading to establish additional areas for water skiing within the City. The City Attorney advised that if a motion was going to be made to open additional areas to water skiing, those areas would have to be specified.

Motion made by Commissioner Katz and seconded by Commissioner Moore to amend the ordinance to establish additional areas for water skiing within the City, including Sylvan Lake, certain portions of Mayan Lake not designated as manatee areas, Mills Pond Park, Coral Bay, Middle River, and the Rio Barcelona Canal.

Mayor Naugle asked Commissioner Katz if her motion was intended to address the size of ski vessels. Commissioner Katz understood the existing ordinance allowed vessels up to 21' towing one skier with a single engine. Therefore, existing slow speed areas would remain in place with the exception of such ski vessels.

Commissioner Smith suggested that the City work with the County with respect to the old ski beach on the New River and the C-14 Canal, which would require a petition to the South Florida Water Management District. Commissioner Katz said she had been told that there was a manatee area at the old ski beach. Mayor Naugle believed a portion of it was not within the City limits as well. Commissioner Smith thought it might make a difference that boats were limited as to size, and he wanted to try working with the County. Commissioner Katz did not object. Mayor Naugle asked if all of those areas had been advertised for action tonight. The City Attorney replied that there had been proper advertisements to proceed in that direction this evening.

Commissioner Hutchinson was not comfortable with the idea of reopening the Rio Barcelona Canal. Commissioner Katz said she was not comfortable with several of the locations, but something had to be done.

Mr. Jamie Hart, Supervisor of Marine Facilities, described the history of the Middle River ski zone. Commissioner Smith said he had requested information about citations issued to personal watercraft, and he had received a report indicating that 38 citations were issued on the Middle River while only 11 were issued on all the other waterways within the City's jurisdiction combined. Sergeant Tom Ogden, Marine Patrol, stated that 110 tickets were written in the City, and 61 of those had been written on the Intracoastal Waterway. Commissioner Smith understood the City could not regulate that waterway without petitioning the State.

For the sake of clarity, the City Clerk restated the motion on the floor:

Motion to establish additional water ski zones on Sylvan Lake, Mayan Lake, parts of Mills Pond Park, Coral Bay, the rest of Middle River, and the Rio Barcelona Canal, and to attempt to open water ski zones on the old ski beach and the C-14 Canal.

Commissioner Moore understood certain areas had been excluded by Commissioner Katz's motion due to the existence of manatee restrictions. Commissioner Katz agreed that was correct.

Miss Austin Carroll said she was 6 years old and had a rocket ship her daddy pulled behind his boat. She had been given the rocket for her birthday and thought it would be unfair if she could not ride it any longer.

Mr. Kevin Buckley, 2225 Northeast 17th Court, thought the waterways near his home were quieter now than they had been in 14 years because the personal watercraft were no longer “buzzing” around any more. He felt the Commission was making a good move tonight because he thought it was important that people have the ability to use Fort Lauderdale’s waterways. Mr. Buckley agreed opening up new areas to skiing was a good idea, but if that could not be done, he did not see a lot of problems on the Middle River in any case.

Mr. Ken Fengler, 3031 Northeast 21st Street, supported reopening other areas to skiing. He was pleased to hear something other than what he had expected this evening, and he reported that his neighborhood association supported water sports. Mr. Fengler submitted a petition of support containing over 60 signatures gathered in just a few days within his neighborhood.

Mr. Austin Fengler, 3031 Northeast 22nd Street, said he was an honor student at Westminster Academy. He had recently passed the Coast Guard Safe Boating class with a perfect score just 2 weeks after his 12th birthday. Mr. Fengler had spoken with many of his neighbors about the possible banning of water skiing on the Middle River, and very few had been aware of the issue. He hoped the Commission would reopen other areas and keep the Middle River open as well so all the families in Fort Lauderdale could continue to enjoy water sports together.

Mr. Rhett Roy, 2400 Friar Point on the Middle River, stated that water skiing was one of the favorite occupations of young people, and he did not think the City should deny them this sport. He said that when he had purchased a home on the River, his boat had been too large, so he had acquired a smaller boat for skiing. Mr. Roy’s son had taken all the necessary courses to become a safe, smart boater, and his children water skied almost every day, weather permitting.

Mr. Roy pointed out that the Commission had recognized some individuals earlier this evening for their efforts to provide wholesome entertainment for the young people of the community, and he felt water skiing was that and then some. He stated that water skiing was also a valuable part of the marine industry upon which this City relied so much. Mr. Roy was glad the Commission was considering opening up new areas for water sports and supported the motion on the floor.

Commissioner Moore understood that everyone in the audience wearing a sticker supported opening up additional water ski areas and saw no need to prolong the meeting. He preferred to hear from those who were opposed to the motion on the floor. Mayor Naugle called for those who objected to the proposal.

Mr. Steven Jacobs, 2216 Sunrise Key Boulevard, was opposed to opening the Rio Barcelona Canal to water skiing. He pointed out that there were intersecting canals from which large vessels often backed out. Mr. Jacobs was concerned about the mix of small boats traveling fast with skiers and large vessels traveling at slow speeds. He believed there could be catastrophic injuries. Mr. Jacobs also pointed out that a lot of people enjoyed kayaking on the Canal, and that would no longer be safe if water skiing was allowed. He felt the Rio Barcelona was unique due to the intersecting traffic, and he hoped it would not take a catastrophe for the Commission to realize this was a mistake.

Ms. Linda Stewart said she had lived on the Rio Barcelona for 20 years, and she did not think water skiing would be safe among all the large vessels. She also did not believe the Canal was wide enough for skiing, and there was a water pollution issue in the area. Ms. Stewart felt the Canal should remain closed to water sports, and the City should seek the development of other areas in Broward County for skiing.

Ms. Cindy Jacobs, 2216 Sunrise Key Boulevard, agreed it would be unsafe to allow skiing on the Rio Barcelona Canal. She believed her neighbors were unanimous in this position.

Ms. Janeen Jamison, 3108 Northeast 22nd Street, supported the idea of opening more waterways with the limit on vessel size increased to 23' to accommodate bow riders as long as they had single engines. She pointed out that people who bought waterfront homes did so knowing that boats would use those waterways.

Mr. James Grady said he had purchased his home on the Rio Barcelona Canal 3 months ago knowing that it was a no-wake zone, and he agreed that water skiing would not be safe on this waterway because there was nowhere to turn around. He did not want to shut down water skiing in Fort Lauderdale, but there was not enough room and too much traffic to allow it on the Canal.

Mr. Jim Anderson, 1215 East Lake Drive, said he had thought the issue tonight was whether or not the Middle River would be closed down, and he believed that was the reason that opponents were so outnumbered this evening. He was concerned about the motion on the floor, which proposed opening up other areas to water sports without any kind of study. Mr. Anderson was a water skier himself, and he thought the Middle River water ski zone should be left open. However, if other areas were going to be opened, he felt they should be studied first.

Mr. Anderson was very familiar with Lake Sylvia, which was an acknowledged anchorage. He stated the area was jammed at night, and he did not believe water skiing would be safe in that location. He was concerned about safety and hoped the Commission would study areas very carefully before opening them up to water sports.

Mr. Terry Stiles, 229 Nurmi Drive, asked that the Commission table the idea of opening the Rio Barcelona Canal until a study was performed. He supported water skiing, but he felt traffic and the different types of vessels should be considered before proceeding. If it was found that skiing would be safe, he said he would support opening the Canal. However, he did not believe that would be the case on this main trafficway for so many large vessels.

Mr. John Gaddis, 2430 Sunrise Key Boulevard, supported water skiing, but better enforcement was necessary.

Ms. Alice Smith, 513 Middle River Drive, said she lived at the confluence of the Middle River and the Rio Barcelona Canal. She agreed that the City should have water skiing, but all the boats going in and out of the Canal had to pass through the Middle River. Ms. Smith did not believe the Rio Barcelona Canal was any narrower than the waters at Mills Pond Park, and she thought the activity should be spread out rather than congested into one small area.

Mayor Naugle requested an opinion from the professionals about the motion on the floor. Sergeant Ogden had concerns about opening Lake Sylvan because there were a lot of sailboats anchored there, and the other areas needed thorough study. He believed there was a depth problem at Sunset Lake, and there were issues with Mayan Lake. Mayor Naugle did not think Sunset Lake had been included in the motion. Sergeant Ogden stated that the Rio Barcelona Canal had been closed before he had joined the Marine Patrol. It appeared there was enough room to turn around, but he was not sure if that were the case. He believed there was sufficient depth in Mayan Lake, but it was difficult to reach, and there were some wildlife issues to consider. Sergeant Ogden added that if the other areas were opened up, the Marine Patrol would not be able to devote the same level of enforcement on the Middle River.

Commissioner Katz acknowledged that there was no ideal place in Fort Lauderdale for water skiing, so everyone had to compromise. She felt the Commission needed the "gumption" to ensure that a single area did not get all the water ski activity, so that everyone had a bit of it. In future meetings, she thought the Commission could consider permits, restricting skiing hours, enforcement, etc. Commissioner Katz hoped to find ways to deal with the issues, but a difficult decision had to be made tonight because there was no perfect answer.

Commissioner Hutchinson said she was prepared to support the motion, but she preferred to allow the Marine Patrol an opportunity to consider the situation on the Rio Barcelona Canal. She was particularly concerned about the huge party boats that used the waterway. Commissioner Katz thought that if one area were removed, someone would want to eliminate the other areas, and the whole idea would fall apart. Commissioner Hutchinson wanted to support this, but she could not support opening the Rio Barcelona Canal until staff had an opportunity to study the issues. Commissioner Katz did not care to amend her motion.

Commissioner Moore thought the only way to truly evaluate the situation was to allow skiing to take place in the other areas and examine the results. He believed that skiers would choose another location if one location seemed unsafe. Commissioner Moore referred to the enforcement issue raised by Sergeant Ogden. He did not think this situation was any different from traffic enforcement on roadways. Commissioner Moore believed that when there were complaints about speeding in a certain area, the Police Department responded accordingly to get the situation under control. He thought it would be necessary to "massage" this over time, but he supported the motion.

Commissioner Smith encouraged a unanimous vote. He felt that reopening other areas was a matter of geographical equity in which everyone shared the burden. Commissioner Smith acknowledged that the Rio Barcelona Canal was right next to the Middle River, and if that were excluded for the time being, there would still be parity in the City with skiing all over. Commissioner Smith thought that would satisfy most people, and he encouraged Commissioner Katz to consider amending the motion as requested by Commissioner Hutchinson. Commissioner Katz suggesting adopting the motion in its present form and then revisiting the issue in 60 days to see what actually occurred.

Commissioner Hutchinson asked how long Sylvan and Mayan Lakes had been closed to water sports. Commissioner Smith believed Sylvan Lake had been closed in 1993. Commissioner Hutchinson noted that both Lakes were in her district, and she was willing to take the "heat" tomorrow for reopening them, but she felt the Rio Barcelona Canal should be studied first. Mayor Naugle recalled that Sylvan Lake had been closed because of the jet skis as opposed to water skiing. He noted that the proposal on the floor would allow jet skis as long as they were towing skiers. Otherwise, they would have to travel at slow speed, so Sylvan Lake would not draw the rental jet skis, and that had been the primary problem in the past.

The Police Chief wanted to point out that the Marine Patrol had only 1 Sergeant and 10 Police Officers, so there was a difference between the waterways and the roadways. He noted that there had been a lot of complaints when only the Middle River had been open to skiing, and he was sure there would be many, many more complaints if all of these other areas were open. However, the Marine Patrol would not have any additional manpower. The Police Chief wanted to ensure everyone was aware of the fact that the Marine Patrol could not be in all places at all times.

Commissioner Katz called the question. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Mayor Naugle noted that the bridge had recently been reconstructed so boats could reach Mayan Lake, so he thought the southern portion should be included in the description. It was agreed.

The City Attorney clarified that the motion on the floor was to specify geographical locations where the City Commission wished to allow the establishment of water sports activities areas. The City Clerk advised that those specific areas were:

1. The area of Middle River, except those areas designated Isle Speed No Wake, lying between Northeast 21st Court and the intersection with the Intracoastal Waterway;
2. Mayan Lake (southern portion);
3. All of Sylvan Lake, as bounded on the east and south by East Lake Drive, on the west by West Lake Drive and a portion of Isla Bahia Drive, and on the north by a line drawn between the northern terminus of East Lake Drive and the northern boundary of Lot 7 of the Plat of Isla Bahia;
4. Rio Barcelona Canal lying between Hendricks Isle Drive (Northeast 18th Avenue) and Middle River;
5. Coral Bay; and
6. Mills Pond Park.

Commissioner Smith inquired about the C-14 Canal. The City Attorney explained that was something that could be attempted through efforts with the County, but it could not be included in this ordinance.

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-01-12

AN ORDINANCE AMENDING CHAPTER 8, BOATS, DOCKS, BEACHES AND WATERWAYS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE BY AMENDING CODE SECTION 8-1, DEFINITIONS; AMENDING CODE SECTION 8-166 ESTABLISHING IDLE SPEED NO WAKE ZONES AND SLOW SPEED MINIMUM WAKE ZONES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Hutchinson requested a report from Sergeant Ogden in 60 days with respect to the situation on the Rio Barcelona Canal. Mayor Naugle asked when the ordinance would take effect. The City Attorney replied it could take effect 10 days after markers were installed. Mr. Hart noted that could take up to 60 days.

**Amend Ordinance No. C-96-23 and
Code Section 2-218 – Staggered Terms and Revised Term Limits
for Northwest-Progresso-Flagler Heights Redevelopment Advisory Board (O-4)**

An ordinance was presented amending Ordinance No. C-96-23 which established the Northwest-Progresso-Flagler Heights Redevelopment Advisory Board and Code Section 2-218 entitled, "Limitation on Number of Consecutive Terms," to provide for staggered terms for Board members and to expand the time that Board members may serve. Notice of the proposed ordinance was published on March 26, 2001.

At 9:45 P.M., Commissioner Hutchinson left the meeting.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-01-14

AN ORDINANCE AMENDING ORDINANCE NO. C-96-23 WHICH ESTABLISHED THE NORTHWEST-PROGRESSO-FLAGLER HEIGHTS REDEVELOPMENT ADVISORY BOARD AND SECTION 2-218, LIMITATION ON NUMBER OF CONSECUTIVE TERMS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE FOR STAGGERED TERMS FOR BOARD MEMBERS AND TO EXPAND THE TIME THAT BOARD MEMBERS MAY SERVE.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Katz, Smith, and Mayor Naugle. NAYS: none.

At 9:48 P.M., Commissioner Hutchinson returned to the meeting.

**Development of Significant Impact/IOA – La Rive Condominium -
Vicenzo Esposito and Christian D. Wissing (PZ Case No. 123-R-00) (R-1)**

At the Planning and Zoning Board regular meeting on December 20, 2000, it was recommended by a vote of 5 to 3 that the following application be approved. On February 6, 2001, the City Commission deferred consideration of this item to March 15, 2001; on March 15, 2001, the City Commission deferred consideration of this item to April 5, 2001 by a vote of 5 to 0.

Applicant: Vicenzo Esposito and Christian D. Wissing
Request: Approval of development of significant impact/IOA
Location: La Rive Condominium - 715, 725 Bayshore Drive

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item:

Mr. Chris Barton, Construction Services, explained that this project involved a 0.78-acre site and a 43-unit, 15-level condominium in the IOA district of the central beach area. The site fronted on the Intracoastal Waterway, and the Planning & Zoning Board had recommended approval of the site plan by a vote of 5 to 3. He noted that significant changes in the proposal had been made since it had originally been presented to the Commission in February. Mr. Barton stated that meetings had been held to address concerns, which had resulted in several changes.

Mr. Barton stated that the height had been reduced by 2'4" to 147'8", with an overall height reduction of almost 17' due to the redesign of the mechanical equipment and other elements on the roof. Therefore, there would be some decrease in the shadow impact of the proposed building, primarily in the early morning hours west across the Intracoastal Waterway. He stated that a 53' step back had been provided on the west façade at the twelfth level for a rooftop terrace and significant landscape treatments at a height of 105'.

Mr. Barton advised that ground level landscaping on the west side had also been increased to better screen the parking and lower common areas of the building along the waterway. Staff had found that the proposed plan was in conformity with the ULDR and beach redevelopment design guidelines and recommended the conditions listed in the staff report distributed on March 15, 2001.

Ms. Debbie Orshefsky, Attorney representing the applicant, stated that the developer had attempted to respond to concerns from neighbors, particularly those across the Intracoastal Waterway. She described the compromise position and pointed out the significant reduction in the overall height of the building to 126'. However, the neighbors had still not been willing to "embrace" the project, and the developer had gone back to the "drawing board."

Ms. Orshefsky stated that the east face of the building was set back 20' from the property line and 320' from the neighbors across the Intracoastal Waterway. She advised that the building then stepped back 53' with an extensively landscaped garden at the 105' level, and the building then extended to a height of 147' with a 73' setback. *Ms. Orshefsky* pointed out that 73' was half the height of the building.

Ms. Orshefsky said that concerns had been expressed about the rear yard setback at the base of the building, and a 20' setback was required. She advised that there were 20' setbacks at the curved points, but it had been increased so the setbacks at the corners were 37'. In addition, lush landscaping had been incorporated into the corners.

Ms. Orshefsky stated that those had been the essential changes, but these were fluid issues, and the applicant wanted to respond to the community. She advised that those living across the water had indicated that a height of 105' would be acceptable, but that would require chopping off the back part of the building. Rather than eliminate those prime units, the applicant suggested bringing the height down to 126' from 147', and the floors above the additional landscaped balcony would be cut back.

Commissioner Smith noticed some major landscaping with 40' Royal Palms, and he asked if the applicant intended to plant some major material of that nature. Ms. Orshefsky replied that was the plan. She understood that was something the Commission favored, and those elements had been incorporated into the project. She stated that the applicant had tried to achieve some level of compromise and had made every effort to be responsive while recognizing the development rights associated with the parcel. Ms. Orshefsky recalled that the original plan had conformed with setbacks at the ground level that had not been required until this evening, and the 20' setbacks had not even been zoning in progress at the time.

Ms. Orshefsky said the applicant had tried to be responsive to the issues raised by the Central Beach Alliance, and she hoped for the Commission's favorable consideration. She noted that the number of units would be maintained at 43 through internal reconfiguration within the 126' height.

Commissioner Smith thought substantial changes had been made, and he was impressed that the applicant had gone such a long way to address the desires of the community. He pointed out that the project met the old Code and the new Code as well, and he felt this was a good example of corporate responsibility. Commissioner Smith felt the applicant had listened to the community and performed.

Commissioner Smith understood the neighborhood across the Intracoastal Waterway had not been happy with the appearance of the building. Ms. Orshefsky explained that there had been some people who liked it and some who did not, but there had been no general consensus on the issue. She pointed out that aesthetics were not regulated because everyone had different tastes. Ms. Orshefsky believed this could be a signature building in Fort Lauderdale.

Ms. Barbara Shirtwell, 608 Intracoastal Drive, was extremely opposed to this project. She felt the building was a work of art, but she did not feel the area was ready for any structure more than 80' in height. She acknowledged that the proposed landscaping was beautiful, but she was concerned about impacts if the trees were thrown from the balconies by a hurricane. Ms. Shirtwell was also concerned about the viability of the plantings because she had trouble maintaining landscaping at ground level along the Intracoastal Waterway. She felt there were more issues, and she thought this building would set a precedent for all the buildings to the south.

Mr. David McNolte said he could fully endorse an 80' building, but this building was still proposed at a height in excess of 120'. He displayed a photograph to provide perspective on the narrowness of the waterway at this point. Mr. McNolte noted that there were already 2 150' buildings, and he felt this building was too large for the site. He advised that there had been 4 meetings on this subject since the last Commission meeting, but very little had changed. Mr. McNolte was also concerned about the glare from the building since there would be a preponderance of glass, and a requested sample of the glass had not been delivered. He pointed out that the density of the building had hardly changed.

Ms. Orshefsky asked Mr. McNolte if he lived directly across from the subject site, and he replied that he did. Ms. Orshefsky said she had a two-hour old understanding that 105' would be acceptable to the residents across the water. Mr. McNolte said his position was that 80' was acceptable, but he was willing to compromise if the applicant was willing to come down. That, however, had not been the case. He acknowledged that he could live with 105' if the setbacks were greater.

Mr. Dana Mercadante, 730 Intracoastal Drive, said he lived directly across the water from the proposed site, and he felt this had been a "shell game." He felt it came down to a building of 105' in height, 20' from the water, extending straight up into the air. Mr. Mercadante was concerned about losing the view of the blue sky, and he hoped the Commission would deny approval of the project.

Mr. James Gibby, 736 Intracoastal Drive, advised there had been several meetings with the developers since the last meeting, and he thought that if another month was allowed, there would be more movement from the developer. Mr. Gibby stated that there had been discussion of a 105' height, with the hopes that the developer would meet the neighborhood halfway, and he encouraged another month of negotiations.

Mr. Joe Shervo, 608 Intracoastal Drive, was concerned about the density proposed for this property. He had requested a list of other buildings that used the type of glass proposed for this building so people could view the results, and he was concerned about the total height of the building. Mr. Shervo did not think the City fathers had ever envisioned tall buildings every 40' along the Intracoastal Waterway.

Ms. Rochelle Golub acknowledged that the developer had appeared to make accommodations, and she was concerned about the setbacks. She did not feel an increased setback at a height of 105' accomplished the intent of setbacks. Ms. Golub referred to the suit involving The Las Olas Tower Company. She was concerned about how this building affected this community as a whole, and did not just affect those who lived directly across the water.

Mr. Ed Curtis, of the Sunrise Intracoastal neighborhood, opposed this project. He stated that the developer had attempted to negotiate with the neighborhood, but he believed those negotiations had started with a height well above that which would be supported by the neighborhood. Therefore, it appeared there had been a compromise, but that had not really been the case. He advised that the neighborhood had desired an 8-story building with appropriate setbacks and landscaping. Mr. Curtis had indicated that the neighborhood might support a height of 105' if increased setbacks were provided, although not everyone in the area had agreed to that position. He stated that no one wanted to create a canyon along the Intracoastal Waterway, and neighborhood compatibility was the issue.

Ms. Christine Teel, President of the Sunrise Intracoastal Homeowners' Association, and the Board of Directors had voted unanimously to oppose this project because of the setbacks, bulk and height of the building back in January. She stated that the neighborhood would willingly support a building like La Cascade, which was 8 stories tall, and she thought it was important that this project be disapproved in order to preserve the character of the neighborhood.

Ms. Teel was particularly concerned about the glare from the glass building, but the applicant had failed to provide the requested glass samples. She asked that if the Commission was considering approval of this building, the developer be required to provide material samples.

Ms. Orshefsky apologized for not obtaining the material samples as requested and said it had been an oversight. However, the specifications had been provided, and the applicant would be happy to bring samples for final DRC approval as a condition. Further, she advised that the reflective quality would be consistent with the standard 5% reflective value. She explained that the reflective value of a typical office building was 40%, and that would not be appropriate in a residential area.

Ms. Orshefsky referred to the setback at grade. She pointed out that the Code had been amended this evening to require a 20' setback, but this applicant had not legally been required to comply with it. Nevertheless, the applicant had done so. Ms. Orshefsky noted that the neighborhood compatibility standard was a question of whether or not a proposal was consistent with the design criteria in the beach revitalization plan, and staff had found this project in compliance with that criteria.

Ms. Orshefsky noted that someone had referred to the starting point of the negotiations. She hoped the Commission would keep in mind that the starting point had been the height allowed by the Code of 150'. She acknowledged that the view from across the water would change, and the applicant had tried to respond to concerns from that area with a commercially reasonable proposal for a 105' building. Ms. Orshefsky also pointed out that 46 units could be built on this site from a density standpoint, but only 43 were being requested, and efforts had been made to provide greater setbacks at grade by cutting off the corners. She hoped the Commission would support the project.

Commissioner Smith said that this property was not in his district, but beach area residents did not object to this proposal. He believed the City Commission had a responsibility to respect property rights, and the City had worked hard to protect the beach area over the past several years. As a result, buildings would be shorter and farther apart. Commissioner Smith noted that this project could be denied this evening, and the applicant would probably win a lawsuit if that occurred. When a developer was responsible and reduced a project from that which it had a right to build, that effort should be rewarded. He favored the project.

Commissioner Katz said she would have preferred greater setbacks, and she wondered if that was physically possible. Mr. Barton stated that greater setbacks on the sides was physically possible, although he did not know if that would be financially feasible. He noted that a 150' tall building with setbacks of half the height above 40' in height could be built on the site, possibly containing 43 units, but the financial issue was another question. Mr. Barton believed the result would be a "pyramid" appearance. Commissioner Katz explained she was referring to setbacks at the ground level, and Commissioner Smith asked if that would affect the operation of the garage. Mr. Barton believed it would severely affect the garage.

Commissioner Katz inquired about the character of the buildings on each side of the site, and Mr. Barton displayed an aerial photograph of the area. He described some of the surrounding buildings.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A BEACH DEVELOPMENT PERMIT FOR A CONDOMINIUM AND APPROVAL OF SETBACK MODIFICATIONS ON PROPERTY LOCATED AT 715, 725 BAYSHORE DRIVE IN FORT LAUDERDALE, FLORIDA IN AN IOA ZONING DISTRICT AS A DEVELOPMENT OF SIGNIFICANT IMPACT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Smith. NAYS: Commissioners Moore, Hutchinson, Katz, and Mayor Naugle.

**Amendment to Resolution No. 01-33 –
Revised Grant Application – Florida Inland Navigation
District (FIND), Waterway Assistance Program – Seawall Repairs on
New River between Florida East Coast (FEC) Railroad and Esplanade Park (R-2)**

A resolution was presented amending Resolution No. 01-33 and authorizing the proper City officials to apply for a grant with FIND for seawall repairs along the north side of New River, between the FEC Railroad and Esplanade Park, for the revised construction costs of \$750,000.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-60

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 01-33 TO INCREASE THE GRANT AMOUNT APPLIED FOR UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM THEREBY INCREASING THE CITY'S MATCHING FUNDING RESPONSIBILITY FOR THE PROJECT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Lot Clearing and Cleaning Charges (R-3)

A resolution was presented authorizing the imposition of liens against certain properties for costs associated with clearing and removal of debris located thereon.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-61

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF CLEARING LOTS FOUND TO HAVE AN UNLAWFUL OR EXCESSIVE ACCUMULATION OF RUBBISH, DEBRIS OR TRASH UNDER CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA AND IMPOSING SPECIAL ASSESSMENT LIENS AGAINST SUCH PROPERTIES FOR THE COST AND EXPENSE INCURRED IN CLEANING AND CLEARING SAME; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Building Board-Up and Securing Charges (R-4)

A resolution was presented authorizing the proper City officials to impose liens against such properties for costs associated with boarding and securing the buildings.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-62

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHARGING AND ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF SECURING AND BOARDING UP BUILDINGS LOCATED THEREON WHICH WERE FOUND UNSAFE UNDER SECTION 202 OF THE SOUTH FLORIDA BUILDING CODE AND IMPOSING LIENS AGAINST SUCH PROPERTIES; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD CLAIMS OF LIEN AGAINST THE PROPERTIES IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Permit Application – Florida Department of Transportation (FDOT) – Project 10357 – Paint Henry E. Kinney Tunnel Approach Walls(R-5)

A resolution was presented authorizing the proper City officials to apply for a permit with FDOT to paint the Henry E. Kinney Tunnel approach walls; and further authorizing the proper City officials to execute all documents necessary for such project.

Commissioner Smith inquired about the color that was proposed. Mr. Greg Kisela, Assistant City Manager, stated that a two-tone color was proposed and displayed a sample.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 01-63

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY ENGINEER OR HIS DESIGNEE TO EXECUTE PERMIT DOCUMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PAINT THE HENRY E. KINNEY TUNNEL APPROACH WALLS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Smith. NAYS: Mayor Naugle.

Application for 2002 Transportation and Community System Preservation Grant – South Florida Regional Planning Council - State Road 7/U. S. 441 Corridor Planning Initiative (R-6)

A resolution was presented supporting the South Florida Regional Planning Council's application for a 2002 Transportation and Community System Preservation Grant to fund the State Road 7/U. S. 441 Corridor Planning Initiative. (Requested by Mayor Naugle and Vice Mayor Smith)

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-64

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE STATE ROAD 7/U.S. 441 CORRIDOR PLANNING INITIATIVE IN BROWARD COUNTY.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Amendment to Lease Agreement – Castillo Grand LLC/ Saint Regis Hotel – Permit Lessee to Utilize Leased Premises for Utilities (R-7)

A resolution was presented authorizing the proper City officials to execute an amendment to the lease agreement with Castillo Grand LLC to permit the Lessee to utilize leased premises (40-foot wide ingress/egress easement) for underground utilities. (Also see Item M-16 on this Agenda).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-65

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION AND DELIVERY OF A PEDESTRIAN AND UTILITY EASEMENT DEED OVER, WITHIN, THROUGH, ABOVE AND UNDER CERTAIN LANDS MORE PARTICULARLY DESCRIBED BELOW AND SAID EASEMENT DEED BEING IN FAVOR OF CASTILLO GRAND, L.L.C., A FLORIDA LIMITED LIABILITY CORPORATION, AND BEING FURTHER SUBJECT TO CERTAIN TERMS AND CONDITIONS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Appointment of Vice-Mayor (R-8)

A resolution was presented appointing a Vice-Mayor for a term of one year, in accordance with Section 3.05 of the City Charter.

Motion made by Commissioner Smith and seconded by Commissioner Moore to appoint Commissioner Katz as Vice-Mayor of the City of Fort Lauderdale. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-66

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING A VICE-MAYOR FOR A ONE-YEAR TERM IN ACCORDANCE WITH SECTION 3.05 OF THE CITY CHARTER.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Beach Erosion and Nourishment Projects (OB)

A resolution was presented urging the continuation of the current level of federal participation in beach erosion control projects, including beach nourishment projects and requesting continuation of the current federal criteria for federal participation and cost-sharing.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-67

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING THE CONTINUATION OF THE CURRENT LEVEL OF FEDERAL PARTICIPATION IN BEACH EROSION CONTROL PROJECTS, INCLUDING BEACH NOURISHMENT PROJECTS; AND REQUESTING CONTINUATION OF THE CURRENT FEDERAL CRITERIA FOR FEDERAL PARTICIPATION AND COST-SHARING.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Waverly Project (OB)

Commissioner Smith explained there was a problem with the development proposal for the property at the corner of Broward Boulevard and Federal Highway. Mayor Naugle asked if this was the property with all the Code violations. Mr. Pete Witschen, Assistant City Manager, advised that the unsafe structure had been demolished, although there were still violations on the site. Mayor Naugle wondered why no one was holding this property owner accountable and entertaining development orders. He felt this case would be used as an excuse in the future, and there would be other intentional eyesores in the community in order to gain public acceptance of developments that would not otherwise be approved.

Mayor Naugle wanted to tour the property with Mr. Witschen. He understood the unsafe building had been demolished, but there were still other violations. Commissioner Katz understood the developer did not own the property. Commissioner Smith agreed the owner had assembled the property, and he thought he had been very careful to “sit on the edge” of violations. Mayor Naugle felt it appeared the owner had a “buddy” in City Hall. Commissioner Smith acknowledged the site was ugly, but he was not sure there were any major Code violations. He thought another 5 years could pass, or everyone could just “get over it.”

Mayor Naugle pointed out that the property could be demolished and the property lienied. Commissioner Smith said he had worked very hard to see this property redeveloped. He acknowledged that the owner had not been very cooperative, but a developer had come forward who was willing to build a beautiful project. In order to move forward, the developer wanted some assurances that the project would be considered by the Planning & Zoning Board within certain time frames. It was his understanding that the intent was to appear before that Board on April 18, 2001, but a street vacation had been deferred to May. Therefore, a motion of the City Commission was necessary so the street vacation could also be heard by the Board in April.

Ms. Cecelia Hollar, Construction Services, stated that there was also a parking reduction issue that the developer wanted to present to the Planning & Zoning Board on April 18, 2001. Mayor Naugle did not object as long as the violations were corrected prior to the Board's meeting. He felt that allowing Code violations to exist on development properties had to stop.

Motion made by Commissioner Smith and seconded by Commissioner Katz to request that the Planning & Zoning Board rescind its motion of February 21, 2001 to defer Case No. 30-P-00 (vacate a portion of Northeast 1st Street) to the May 16, 2001 Planning & Zoning Board meeting and consider the case at its April 18, 2001 meeting and, if a complete Parking Reduction/Site Plan Application (Case No. 39-R-00) is submitted for the same development site, it also be reviewed at the April 18, 2001 Planning & Zoning Board meeting. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Advisory Board Appointments (OB)

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Education Advisory Board

Tanner Demmery
Mary C. Fertig
Jeane M. Owen
Ellen Salerno
Betty Shelley
John P. Wilkes
Mary Cavaoli
Lu Deaner
Gil Borrero
Bruce Tyrrell
Deborah Brown Frederick
Michelle Curry-Goosby
Pearl Maloney

Insurance Advisory Board

Joseph Cobo

Marine Advisory Board

Lee Marteeny
Barry Flanigan
Dr. Nancy Beaumont
Marge Anderson
Joe Hessmann
Roger McKee
Robert Sadowski
Kelvin Haynes
Heather C. Keith
Bernard Gartner
Chris Fertig
Dr. Geraldine Udell

Nuisance Abatement Board

Helen Surovek
Stephen M. Kelley
Rita Jackson
Stephen Goldenberg
Harry MacGrotty, Alternate
Caldwell Cooper

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-68

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT
LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH
IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

At 10:52 P.M., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

Lucy Masliah
City Clerk